



Federal Communications Commission
Washington, D.C. 20554

ORIGINAL

Doc. 96-198

SEP 8 1998

IN REPLY REFER TO:
9805996

EX PARTE OR LATE FILED

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510-4904

RECEIVED

SEP - 9 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Senator Feinstein:

This is in response to your letter on behalf of your constituent, Barbara J. Tucker, regarding the Commission's implementation of Section 255 of the Communications Act (Section 255), added by the Telecommunications Act of 1996. Section 255 requires that telecommunications equipment manufacturers and service providers must ensure that their equipment and services are accessible to persons with disabilities, to the extent that it is readily achievable to do so. In adopting Section 255, Congress gave the Commission two specific responsibilities, to exercise exclusive jurisdiction with respect to any complaint filed under Section 255, and to coordinate with the Architectural and Transportation Barriers Compliance Board (Access Board) in developing guidelines for the accessibility of telecommunications equipment and customer premises equipment.

The Commission adopted a Notice of Inquiry in September 1996, initiating WT Docket 96-198 and seeking public comment on a range of general issues central to the Commission's implementation of Section 255. The Commission also adopted a Notice of Proposed Rule Making (NPRM) in April 1998, which sought public comment on a proposed framework for that implementation. The NPRM examined the Commission's legal authority to establish rules implementing Section 255, including the relationship between the Commission's authority under Section 255 and the guidelines established by the Access Board in February 1998. The NPRM further solicited comment on the interpretation of specific statutory terms that are used in Section 255, including certain aspects of the term "readily achievable," and the scope of the term "telecommunications services." In addition, the NPRM sought comment on proposals to implement and enforce the requirement that telecommunications equipment and services be made accessible to the extent readily achievable. The centerpiece of these proposals was a "fast-track" process designed to resolve many accessibility problems informally, providing consumers with quick solutions.

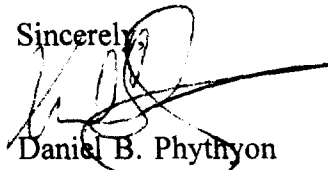
It is important to note that the Commission has not issued a final decision regarding any of the proposals suggested in the NPRM. The record in this proceeding closed on

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August 14, 1998, and the Commission staff is currently reviewing public comments. Since the passage of Section 255, the Commission has worked closely with the Access Board and with various commenters to design an implementation framework that best reflects the intent of Congress in adopting Section 255. The comments of your constituent will be included as an informal comment in the record of WT Docket 96-198, and carefully considered, along with the many other comments, before final action is taken on this critically important matter. I appreciate your constituent's input as a way of establishing as thorough and representative a record as possible on which to base final rules implementing Section 255.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel B. Phythyon", with a long horizontal stroke extending to the right.

Daniel B. Phythyon
Chief, Wireless Telecommunications Bureau

DIANNE FEINSTEIN

CALIFORNIA

COMMITTEE ON FOREIGN RELATIONS

COMMITTEE ON THE JUDICIARY

COMMITTEE ON RULES AND ADMINISTRATION

United States Senate

WASHINGTON, DC 20510-0504

July 30, 1998

*CSF
handwritten*

5996

Ms. Karen Kornbluh
Office of Legislative Affairs
Federal Communications Commission
1919 M St., N.W.
Room 808
Washington, D.C. 20554

Dear Ms. Kornbluh:

INQUIRY FROM: Barbara J. Tucker (Reference #: mmp-64280)

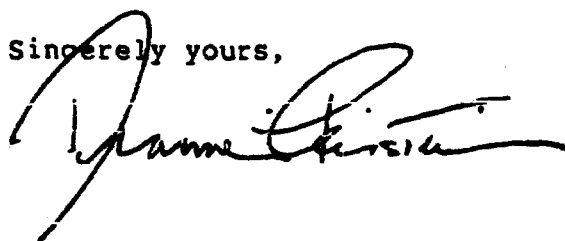
RE: access rules

I am forwarding the attached constituent inquiry for your review and consideration. I believe that my constituent would benefit from your response to the specific issues raised in the enclosed letter.

I would appreciate it if you would return your response, in duplicate, to my Washington, DC office as quickly as possible so that I can share the information with my constituent.

With warmest personal regards.

Sincerely yours,



1470750

Barbara J. Tucker
12486 Ramon Road
Banning, California 92220
(909) 849-9315
Email chris@discover.net

June 28, 1998

The Honorable Senator Dianne Feinstein
Senate Hart Office Building, Ste. 331
Washington, D.C. 20510

Dear Senator Feinstein:

The Federal Communications Commission is currently in the process of adopting access rules for the telecommunications act. I wish to express my concern that the FCC proposal is not in keeping with the Congressional intent of making telecommunication services accessible to the disabled.

I am writing to request that you encourage the FCC to adopt the Access Board guidelines for both manufacturers and services providers and that definitive wording be used to ensure manufacturers and providers understand their responsibilities and obligations.


Further, I believe the concept of "cost recovery" would undermine the entire concept of accessibility to the disabled. Cost recovery dramatically deviates from the "readily achievable" standard that has traditionally been used in our disability laws and would most probably undermine the entire concept of accessibility to the disabled.

The "fast tract" process, proposing to resolve consumer problems within five days does not seem feasible. For most companies this is not sufficient time to gather and compile necessary information. Also, denying an individuals right to file in court is most definitely inappropriate.

On a personal note. I would like to express my frustrations with automated voice response systems. I use a TTY and it is impossible for relay services to type the choices available and receive my response in a timely manner. The relay service must reconnect to these systems numerous times and on most occasions, I give up before a call can be completed. This of course means that I must impose on a family member or a friend to make the call for me. It would be most advantageous to myself and the millions of Americans in my situation if one of the options for a TTY user were to be directly connected to a company representative in companies which do not utilize a TTY.

I request that you strongly encourage the FCC to consider these items.

Sincerely,


Barbara J. Tucker